



MIAMIBEACH

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2012 MAR 15 PM 2:49

CITY CLERK'S OFFICE

LETTER TO COMMISSION

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 13, 2012

SUBJECT: South Pointe Park Dog Off-Leash Area Post Design Review Board Presentation Update

The purpose of this Letter To Commission (LTC) is to provide you with an update on the Design Review Board's (DRB) consideration of a proposed hedge for the designated off-leash area in South Pointe Park. As you recall, on January 11, 2012 the Commission approved on second reading an amendment to Chapter 10 of the Miami Beach City Code entitled "Animals" to extend the pilot designated off-leash program in South Pointe Park until July 15, 2012. The approval included off-leash hours in the designated area from sunrise to 10:00 A.M. daily and between 4:00 P.M. and 7:00 P.M., Monday through Friday. The designated off-leash area is currently on a portion of the west lawn, east of the Washington Avenue entry plaza. At the time of the approval, the Commission also directed the Administration to file an application with the DRB for the approval of a hedge to serve as a visual boundary around the off-leash area, and to request their recommendation for the location of the designated off-leash area (with hedge).

As directed, the Parks and Recreation Department filed the DRB application for the Board's March 6, 2012 meeting. Initially, the application included two (2) conceptual options for the Board's consideration: the first option is the current designated area of approximately 18,000 SF with an estimated 420 LF of hedge, in a portion of the west lawn, east of the Washington Avenue entry plaza, as approved by the Commission on January 11, 2012. The second option would be an area of approximately 18,000 SF, with an estimated 320 LF of hedge, in the triangular area south and west of the Washington Avenue entry plaza area, where the original off-leash area was located and where the Lighthouse Art in Public Places piece has been installed.

However, since the January 11, 2012, Commission meeting there were requests by the dog-owners to expand the current off-leash area to include the entire area between the east sidewalk edge that bisects the west lawn and the current eastern boundary edge of the off-leash area. This creates a new dog off-leash area of approximately 34,000 SF, with an estimated 570 LF of hedge. This third conceptual option was also submitted to the DRB for their consideration. Attached, please find a conceptual plan reflecting the three (3) options that were included in the Administration's March 6, 2012 application to the DRB.

Design Review Board Meeting

On March 6, 2012, the Design Review Board heard File No. 22894 – **1 Washington Avenue** – South Pointe Park. Attached please find the DRB Staff report for the South Pointe Park item.

The Administration presented the application, which included an overview of the process followed to develop the designated dog off-leash area in South Pointe Park; the actions taken by the Neighborhood/Community Affairs Committee and City Commission in providing the Administration direction on the issues; the comprehensive efforts to obtain the community's input on the off-leash issue, that included the possible locations and whether a hedge should or should not be considered as a component of any site plan; and the three (3) concept options being presented for consideration.

The DRB members solicited public comment on the designated off-leash area location and the proposed hedge and held an extended discussion on the issue(s). The DRB's final order on Design Review File No. 22894 - **1 Washington Avenue – South Pointe Park** is attached for your reference. Item (B) of the order summarizes the actions taken by the board

B. The Design Review Board does not support any off-leash dog area within the boundaries of South Pointe Park. However, if the City Commission determines that it is appropriate and necessary to create an off-leash dog area in South Pointe Park, the Board determines the following:

- 1. There shall be no hedge to define the area.*
- 2. It shall not be located in area #3, surrounding the art in public places "lighthouse" project.*

Pursuant to Section 118-262 of the City Code, should the City Commission still wish to consider a hedge around the general perimeter of the area they may ultimately designate as an off-leash area, or should they wish to consider the Art in Public Places location, it would require a timely appeal of the DRB's Final Order. The deadline to file this appeal is within twenty (20) days from the date of the fully executed final order, or April 2, 2012. As such, I am providing this information to you should you wish to provide me with direction at the next commission meeting on March 21, 2012 on whether or not I should submit an appeal prior to April 2nd.

Please feel free to call me should you have any questions or require additional information.

LEGEND

- ★ OFF-LEASH AREA # 1 - APPROX. 18,000 SF
- OFF-LEASH AREA # 2 - APPROX. 34,000 SF
- OFF-LEASH AREA # 3 - APPROX. 18,000 SF

PROPOSED OFF-LEASH AREAS 1, 2, & 3

BATH & KENNEL

**SOUTH POINTE PARK
PROPOSED CONCEPTUAL OFF-LEASH SITE PLAN
CITY OF MIAMI BEACH, FLORIDA**

Date	Description
1-2-2019	at South Pointe

**SOUTH POINTE PARK
IMPROVEMENTS
CITY OF MIAMI BEACH, FLORIDA**

DRAWING TITLE:
Final Plan - South Pointe Park
Reference Drawing: L-021

LA-01

Scale: AS NOTED

Date	Description
1-31-2012	off tooth area
Scale: AS NOTED	

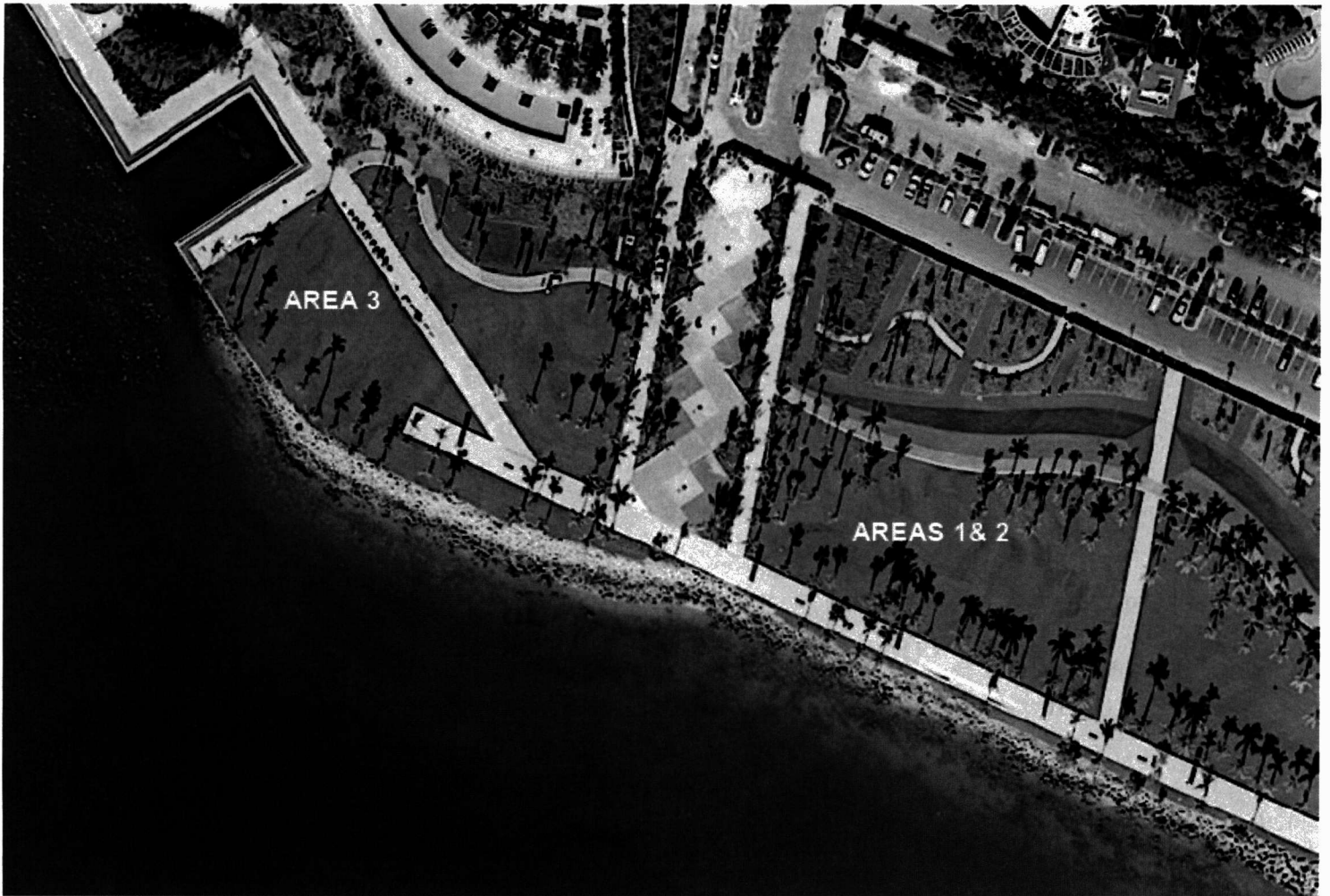
**SOUTH POINTE PARK
IMPROVEMENTS
CITY OF MIAMI BEACH, FLORIDA**

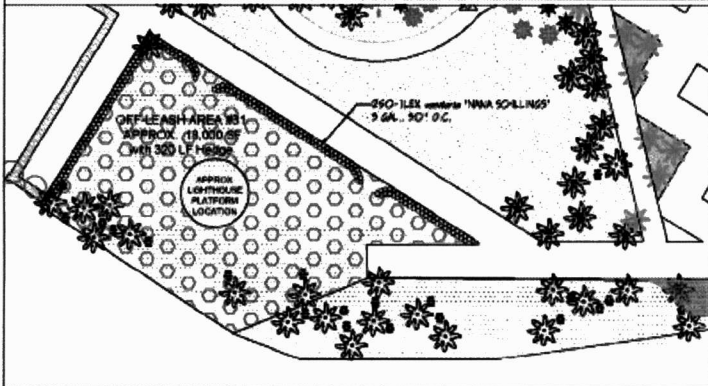
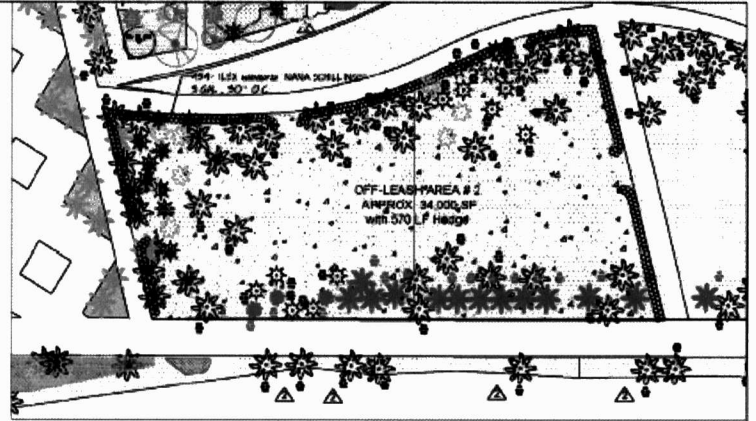
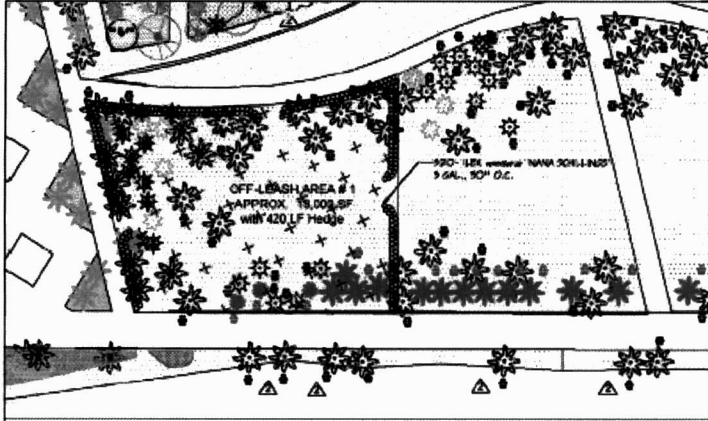
SKECH TITLE:
Plant Revisions - East Lawn Play Area

Reference Drawing: I-121

LA-01

SOUTH POINTE PARK
2009 AERIAL VIEW - OF PROPOSED OFF-LEASH AREAS





**SOUTH POINTE PARK
PROPOSED CONCEPTUAL OFF-LEASE SITE PLAN
CITY OF MIAMI BEACH, FLORIDA**

Date	Description	<p align="center">SOUTH POINTE PARK IMPROVEMENTS CITY OF MIAMI BEACH, FLORIDA</p> <p>AMERICAN TITLE: <u>Paved Runways - Soft Lawn Play Area</u> <u>Reference Drawing: L-021</u></p> <p align="center">LA-02</p>
1-26-2018	off-hour work	
Scope: AS NOTED		



MIAMIBEACH

PLANNING DEPARTMENT

DESIGN REVIEW BOARD STAFF REPORT

FROM: Richard G. Lorber, AICP, LEED AP
Acting Planning Director *WAC for RGL*

DATE: March 6, 2012 Meeting

RE: Design Review File No. 22894
1 Washington Avenue - South Pointe Park

The applicant, the City of Miami Beach, is requesting Design Review Approval for an off-leash dog area within the western portion of South Pointe Park.

LEGAL DESCRIPTION:

10 54 42 18.50 AC M/L BEG W/MOST COR LOT 6 BLK 4 PB 6- 77 S85 DEG E1476.62FT TO EROSION LINE SELY630.14FT TO M/H/L GOVT CUT NWLY2207.25FT N 31 DEG W375.17FT E473.67FT SELY161.63FT

SITE DATA:

Zoning - GU (Government Use) & MR (Marine Recreation)
Future Land Use Designation- ROS (Recreation Open Space) & MR (Marine Recreation)

THE PROJECT:

The applicant has submitted plans entitled "South Pointe Park Improvements", as prepared by the City of Miami Beach, dated 1-24-12.

The City is proposing three alternate plans for an off-leash dog area within South Pointe Park. Areas #1 and #2 are generally located to the east of the Washington Avenue plaza extension and south of the walkway that follows the berm. Area #1 is approximately 18,000 S.F. (0.41 acres), and Area #2, which includes area #1 is approximately 34,000 S.F. (0.78 acres). Area #3 is located surrounding the recently completed light house sculpture at the west end of the park, and is approximately 18,000 S.F. (0.41 acres).

Continuous low shrubs are proposed around the general perimeter of the dog area, with breaks in the landscape material located around the perimeter for access. This hedge material naturally would not exceed three (3) feet in height, but should be maintained at a maximum height of twenty-four (24") inches. Although the City is requesting that the Board review and approve the hedge material in order to more clearly delineate the off-leash dog area for dog owners and park users, such hedge may not ultimately be required, particularly if Area #2 is selected.

It should be noted that the proposed off-leash dog area operating hours will only be until 10:00 AM and after 4:00 PM. From 10:00 AM until 4:00 PM the area will be available for anyone's use, and dogs MUST be on leash in that area during those daytime hours.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, is consistent with the applicable sections of the City Code. This shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit, including final parking calculations and a concurrency review.

ACCESSIBILITY COMPLIANCE:

Additional information will be required for a complete review for compliance with the Florida Building Code 2001 Edition, section 11 (Florida Accessibility Code for Building Construction.) The above noted comments shall not be considered final accessibility review or approval. These and all accessibility matters shall require final review and verification by the Building Department prior to the issuance of a Building Permit.

PRELIMINARY CONCURRENCY DETERMINATION:

In accordance with Chapter 122 of the Code of the City of Miami Beach, the Transportation and Concurrency Management Division has conducted a preliminary concurrency evaluation and determined that the project does meet the City's concurrency requirements and level-of-service standards. However, the City's concurrency requirements can be achieved and satisfied through payment of mitigation fees or by entering into an enforceable development agreement with the City. The Transportation and Concurrency Management Division will make the determination of the project's fair-share mitigation cost.

A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit. Without exception, all concurrency fees shall be paid prior to the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy.

COMPLIANCE WITH DESIGN REVIEW CRITERIA:

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearance, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria is found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Satisfied
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Satisfied
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Satisfied

4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.
Satisfied
5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.
Satisfied
6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.
Satisfied
7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.
Satisfied
8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.
Satisfied
9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.
Not Applicable
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Satisfied
11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Not Applicable

12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
Not Applicable
13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.
Satisfied
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Not Applicable
15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Satisfied
16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.
Not Applicable
17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Not Applicable

STAFF ANALYSIS:

The City is proposing three alternate plans for an off-leash dog area within South Pointe Park. Areas #1 and #2 are generally located to the east of the Washington Avenue plaza extension and south of the walkway that follows the berm. Area #1 is approximately 18,000 S.F. (0.41 acres), and Area #2, which includes area #1 is approximately 34,000 S.F. (0.78 acres). Area #3 is located surrounding the recently completed light house sculpture at the west end of the park, and is approximately 18,000 S.F. (0.41 acres).

Continuous low shrubs are proposed around the general perimeter of the dog area, with breaks in the landscape material for access. This hedge material naturally would not exceed three (3') feet in height at maturity, but should be maintained at a maximum height of twenty-four (24") inches to minimize any adverse aesthetic impact. Although the City is requesting that the Board review and approve the hedge material in order to more clearly delineate the off-leash dog area for dog owners and park users, such hedge may not ultimately be required, particularly if Area #2 is selected, as this area would be defined by the existing "Cut-Walk" to the south and existing walkways around the remaining perimeter.

While staff believes that it is essential to maintain the design integrity of this nationally acclaimed public park, staff does not object to the proposal to delineate an appropriately selected location for an off-leash dog area with low perimeter landscaping material not to exceed eighteen inches (18") in height, if required, in addition to discreet park signage, as this should not have a significant adverse aesthetic impact upon the overall park design. Staff does, however, strongly recommend against Area #3 surrounding the Art in Public Places (AIPP) sculpture known as the "Obstinate Lighthouse" for the proposed off-leash dog area, for the following reasons: 1) it would be inconsistent with the South Pointe Park master planned location for the AIPP sculpture previously approved by the Design Review Board; 2) any form of perimeter landscaping material or additional park signage in this location would distract from and have a significant adverse impact upon the design integrity of the lighthouse sculpture as well as its open lawn setting, and; 3) this location could limit the close enjoyment of the AIPP lighthouse sculpture to only people, including young children, who are comfortable being around dogs that are off-leash. Consequently, staff recommends that Area #2, which includes Area #1, as the most suitable location for an easily accessible off-leash dog area in South Pointe Park.

It should be noted that the proposed off-leash dog area operating hours will only be until 10:00 AM and after 4:00 PM. From 10:00 AM until 4:00 PM the area will be available for anyone's use, and dogs MUST be on leash in that area during those daytime hours.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be approved, subject to the following conditions, which address the inconsistencies with the aforementioned Design Review criteria:

1. A revised landscape plan, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
 - a. Area #3, the area surrounding the Art in Public Places sculpture, shall not be permitted.
 - b. Area #2, the area located immediately to the east of the Washington Ave plaza and which includes Area #1, shall be permitted as an off-leash dog area, or alternatively, Area #1 alone may be permitted as an off-leash dog area.
 - c. If a hedge is required to delineate the off-leash dog area, it shall be installed in substantial accordance to the plans submitted, and should be maintained at a maximum height of twenty-four (24") inches, subject to the review and approval of staff.
 - d. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
 - e. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures; such fixtures and devices shall not be permitted within any required yard or any

area fronting a street or sidewalk. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.

- f. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
 - g. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
2. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
3. At the time of completion of the project, only a Final Certificate of Occupancy (CO) or Final Certificate of Completion (CC) may be applied for; the staging and scheduling of the construction on site shall take this into account. All work on site must be completed in accordance with the plans approved herein, as well as any modifications approved or required by the Building, Fire, Planning, CIP and Public Works Departments, inclusive of all conditions imposed herein, and by other Development Review Boards, and any modifications required pursuant to field inspections, prior to the issuance of a CO or CC. This shall not prohibit the issuance of a Partial or Temporary CO, or a Partial or Temporary CC.
4. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
5. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
6. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: March 6, 2012

FILE NO: 22894

PROPERTY: 1 Washington Avenue –
South Pointe Park

IN RE: The Application for Design Review Approval for an off-leash dog area within the western portion of South Pointe Park.

ORDER

The applicant, the City of Miami Beach, filed an application with the City of Miami Beach Planning Department for Design Review Approval.

The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

- A. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with the Design Review Criteria 10 in Section 118-251 of the Miami Beach Code.
- B. The Design Review Board does not support any off-leash dog area within the boundaries of South Pointe Park. However, if the City Commission determines that it is appropriate and necessary to create an off-leash dog area in South Pointe Park, the Board determines the following:
 - 1. There shall be no hedge to define the area.
 - 2. It shall not be located in area #3, surrounding the art in public places "lighthouse" project.
- C. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- D. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.



- E. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations which were adopted by the Board, that the Application for Design Review approval is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraphs B, C, D, and E of the Findings of Fact hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Design Review Board, as determined by staff, entitled "South Pointe Park Improvements", as prepared by the City of Miami Beach, dated 1-24-12.

If the required permit for the project is not issued within eighteen (18) months of the meeting date at which the original Design Review Approval was granted, the Design Review Approval will expire and become null and void, unless the applicant makes application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. At the hearing on any such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. If the Full Building Permit should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the Design Review Approval will expire and become null and void.

In accordance with Section 118-264 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code.

Dated this 13th day of MARCH, 2012

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: 

THOMAS R. MOONEY, AICP



DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 13th day of
MARCH 2012 by Thomas R. Mooney, Design and Preservation Manager,
Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf
of the Corporation. He is personally known to me.



TERESA MARIA
MY COMMISSION # DD 928148
EXPIRES: December 2, 2013
Bonded Thru Budget Notary Services

[Signature]

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 12-2-13

Approved As To Form: _____
Legal Department: *[Signature]* (3-13-2012)

Filed with the Clerk of the Design Review Board on 3-13-2012 (RC)

[Handwritten mark]